

ESTTA Tracking number: **ESTTA98023**

Filing date: **09/06/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Barr Laboratories, Inc
Granted to Date of previous extension	09/06/2006
Address	400 Chestnut Ridge Road Woodcliff Lake, NJ 07677 UNITED STATES
Attorney information	TRACY-GENE G. DURKIN STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 UNITED STATES tdurkin@skgf.com, jshirk@skgf.com Phone:202 371-2600

### Applicant Information

Application No	78700457	Publication date	05/09/2006
Opposition Filing Date	09/06/2006	Opposition Period Ends	09/06/2006
Applicant	CHING, JENNY ANG GIM BLK 643 YISHUN ST 61 #04-280 SINGAPORE, 760643 SINGAPORE		

### Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Cosmetic creams for skin care; Cosmetic milks; Cosmetic oils; Cosmetic soaps; Cosmetics
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Attachments	1710758OPT0.pdf ( 8 pages )(135551 bytes )
Signature	/Tracy Durkin/
Name	TRACY-GENE G. DURKIN
Date	09/06/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application No.: 78/700,457

Filed: August 25, 2005



Mark:

Published in the Official Gazette:  
May 9, 2006

Barr Laboratories, Inc.,  
*Opposer,*

v.

Ching, Jenny Ang Gim,  
*Applicant.*

Opposition No. \_\_\_\_\_

Atty Docket: 1710.758OPT0/TGD/JDS

NOTICE OF OPPOSITION

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Madam:

Opposer, Barr Laboratories, Inc. (hereinafter "Opposer"), a Delaware Corporation, having its principal place of business at 400 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677, believes it will be damaged by registration of U.S. Application No. 78/700,457 for the



mark to Jenny Ang Gim Ching (hereinafter "Applicant"), and hereby opposes the same.


The grounds for opposition are:

1. Opposer is a Delaware corporation having a principal place of business at 400 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677.


2. Opposer is a specialty pharmaceutical company engaged in researching, developing, manufacturing and marketing generic and proprietary pharmaceuticals.


3. Applicant is a Singapore citizen, having an address at BLK 643, Yishun Street 61, 04-280, Singapore 760643.






4. Applicant seeks to register the mark  for "cosmetic creams for skin care; cosmetic milks; cosmetic oils; cosmetic soaps; cosmetics" in International Class 3.



Applicant's application for the mark  is based on an intent to use the mark in U.S. commerce, under Section 1(b) of the Trademark Act.

5. Opposer is the owner of and uses (through a related entity) the mark  with oral contraceptives. Opposer first used its mark with such goods at least as early as September 5, 2003.

6. Opposer is the owner of U.S. Trademark Registration Nos. 2,882,686 and 2,887,349 for the mark  for goods in International Class 5, particularly, "pharmaceuticals, namely, oral contraceptives", as attached hereto as Exhibits A and B, respectively. U.S. Trademark Registration No. 2,882,686 protects the mark with no claim to color, while U.S. Trademark Registration No. 2,887,349 protects the mark with a claim to color.

7. Applicant's mark  and Opposer's  mark are highly similar in appearance.

8. The overall commercial impression of Applicant's mark is highly similar to Opposer's mark.

9. Applicant's goods are related to the goods with which Opposer uses and has registered its mark, and Applicant's goods and Opposer's goods are marketed to similar groups of consumers.

10. In view of the above-noted similarities, confusion between Applicant's mark and Opposer's mark is likely, and consumers are likely to mistakenly believe that Applicant's goods are somehow associated with, or sponsored, endorsed or approved by, Opposer in violation of Section 2(d) of the Trademark Act.

11. Use and registration of Applicant's mark would cause serious and irreparable harm to Opposer and to the goodwill of the business symbolized by Opposer's mark.

Appl. No. 78/700,457  
Applicant: Ching, Jenny Ang Gim  
Opposer: Barr Laboratories, Inc.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that



registration of the mark

of U.S. Application No. 78/700,457 be refused.

Opposer submits herewith the statutory fee of \$300.00 for one (1) class of goods at \$300.00 per class, as set forth under 37 C.F.R. § 2.6(a)(17).

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Tracy-Gene G. Durkin  
Attorney for Opposer

Date: September 6, 2006

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Washington, DC 20005  
Telephone: (202) 371-2600  
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## **EXHIBIT A**

**Int. Cl.: 5**

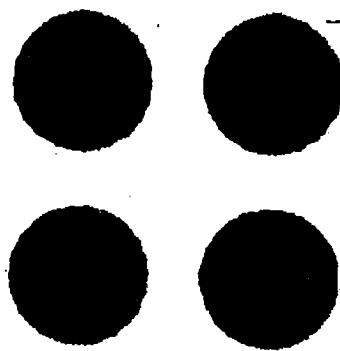
**Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 2,882,686**

**Registered Sep. 7, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**



**BARR LABORATORIES, INC. (NEW YORK COR-  
PORATION)  
TWO QUAKER ROAD  
P.O. BOX 2900  
POMONA, NY 10970**

**FIRST USE 9-5-2003; IN COMMERCE 9-5-2003.**

**SN 76-503,623, FILED 4-3-2003.**

**FOR: PHARMACEUTICALS, NAMELY, ORAL  
CONTRACEPTIVES, IN CLASS 5 (U.S. CLS. 6, 18, 44,  
46, 51 AND 52).**

**ALLISON HALL, EXAMINING ATTORNEY**

## **EXHIBIT B**



**Int. Cl.: 5**

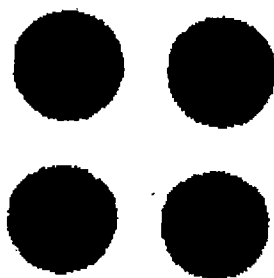
**Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 2,887,349**

**Registered Sep. 21, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**



BARR LABORATORIES, INC. (NEW YORK CORPORATION)  
TWO QUAKER ROAD  
P.O. BOX 2900  
POMONA, NY 10970

FOR: PHARMACEUTICALS, NAMELY, ORAL CONTRACEPTIVES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 9-5-2003; IN COMMERCE 9-5-2003.

THE MARK CONSISTS OF FOUR DOTS OR SOLID CIRCLES. THE ENTIRE MARK IS COLORED IN A PINKISH-REDDISH COLOR, COMMERCIAL-  
LY IDENTIFIED AS "RHODAMINE" AND HAVING PANTONE NO. 233. APPLICANT CLAIMS THE DESIGNATED COLOR AS A FEATURE OF THE MARK.

SN 76-506,320, FILED 4-11-2003.

JAMES A. RAUEN, EXAMINING ATTORNEY